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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,370	04/13/2000	Michael Brader-Araje	9144-5	8285

20792 7590 10/25/2004

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EXAMINER
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GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/549,370

Applicant(s)

BRADER-ARAJE ET AL.

Examiner

Matthew s Gart

Art Unit

3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-53 is/are pending in the application.
- 4a) Of the above claim(s) 10-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-2, 4-6, and 8-53 are pending in the instant application. Claims 1-9 have been elected with traverse. Claims 10-53 have been withdrawn from further consideration. Claims 3 and 7 have been cancelled. Claims 1-2, 4-6 and 8-9 are currently rejected as set forth below.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 9/2/04 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent No. 5,898,836) in view of Ng (U.S. Patent No. 6,405,175).**

Referring to claim 1-9. Freivald et al. discloses a method of updating information maintained at an intermediary web site (col. 3, line 64-col. 4, line 21). The method comprises obtaining data that has changed (col. 7, lines 35-39); extracting keywords from the data (col. 7, lines 9-12); and storing the keywords (col. 6, lines 32-46).

Freivald et al. discloses cyclic redundancy checking (CRC) as a preferred technique in periodically (col. 6, lines 51-52) assessing current data resident in a remote site in comparison to previously stored data resident in an intermediary site (col. 6, lines 32-46).

Although Freivald et al. discloses that "[s]ource document 30 could be any one of millions of HTML documents on the thousands of web servers connected to the Internet" (col. 10, lines 9-11), Freivald et al. does not disclose that the data is auction item data.

Ng, however, explicitly teaches that the Freivald et al. invention (i.e. U.S. Patent No. 5,898,836) can be used to periodically and automatically search an online auction site for a particular item and price (Ng: col. 2, lines 31-36).

It would have been obvious to one of ordinary skill in the art to have incorporated the invention of Freivald et al. in a method for updating and searching auction item data (as taught by Ng) because Ng explicitly establishes that such combination is desirable for this purpose and is within the level of skill in the art.

The combination of Freivald et al. and Ng does not teach a data engine at each site. However, to have provided distributed a data engine at each site, rather than the central data engine already taught by Freivald et al. (see col. 6, lines 55-67) would have been obvious to one of ordinary skill in the art in order that changes to various sites could be reported to a user immediately upon the posting of any change to a particular site, rather than upon a later periodic re-fetching of such site by the Freivald et al. server. Such modification would have further reduced the time and effort required of a user in keeping abreast of changes at a particular site (see Freivald et al.: col. 13, lines 9-10). Moreover, such distribution is already contemplated by Freivald et al. which teaches that "[t]he change-detection tool can be located on a server separate from the web server itself and simply be called by the site's web server" (col. 14, lines 23-25).

***Response to Arguments***

Applicant's arguments filed 7/12/2004 have been fully considered but they are not persuasive.

The Attorney amended claim 1 to recite a method of updating information maintained at an intermediary web site on a computer network about items, wherein the information is displayable to users accessing the intermediary web site via the computer network, the method comprising:

- Obtaining item data that has changed since a previous time, wherein each web site includes a data engine that is configured to obtain data about each item currently being auctioned at the respective auction site, and wherein the intermediary web site includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine, comprising:
  - Establishing a TCP/IP connection between the agent and each respective data engine; and
  - Sending an HTTP request from the agent to each respective data engine via the TCP/IP connection to obtain auction item data that had changed since a previous time;
- Extracting keywords from the obtained auction item data via the agent; and
- Storing the extracted keywords via the agent, wherein each stored keyword is associated with an item currently being auctioned at a

respective one of the plurality of remotely located auction sites, and wherein the stored keywords are searchable by users accessing the intermediary web site.

Freivald disclose a storage efficient change detection tool, which detects when changes occur to a registered document on the Internet. The change-detection server **20** contains three basic components. Database **16** stores the archive of CRC's for registered web-page documents. The URL identifying the web page and the user's e-mail address are also stored with the archived CRC's. Responder **24** communicates with the user at client **14** to setup or register a web page document for change detection. Minder **22 (data engine)** periodically fetches registered documents from document server **12** through Internet **10**. Minder **22 (data engine)** compares the archived CRC's in database **16** to new CRC's of the fetched documents to determine if a change has occurred. When a change is detected, minder **22 (data engine)** sends a notice to the user at client **14** that the document has changed.

Freivald further discloses a system according to FIG. 1. FIG. 1 is a diagram of a change detection tool on a server on the Internet. The user operates client **14** from a remote site on Internet **10**. The user typically is operating a browser application, such as Netscape's Navigator or Microsoft's Internet Explorer. Client **14** communicates through Internet **10** by sending and receiving TCP/IP packets to establish connections with remote servers, typically using the hypertext transfer protocol (http) of the worldwide web.

As previously noted by the Examiner, the combination of Freivald et al. and Ng does not teach a data engine at each site. However, to have provided distributed a data engine at each site, rather than the central data engine already taught by Freivald et al. (see col. 6, lines 55-67) would have been obvious to one of ordinary skill in the art in order that changes to various sites could be reported to a user immediately upon the posting of any change to a particular site, rather than upon a later periodic re-fetching of such site by the Freivald et al. server. Such modification would have further reduced the time and effort required of a user in keeping abreast of changes at a particular site (see Freivald et al.: col. 13, lines 9-10). Moreover, such distribution is already contemplated by Freivald et al. which teaches that "[t]he change-detection tool can be located on a server separate from the web server itself and simply be called by the site's web server" (col. 14, lines 23-25).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'MSG' followed by a stylized flourish.

MSG  
Patent Examiner  
October 20, 2004